

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**Court Minutes**

**August 10, 2009**

**C056338      BERNARDINO et al. v.      (Not For Publication)  
VINEYARD PROPERTIES CORPORATION**

The judgment is affirmed. Costs on appeal are awarded to defendant, VPC. (Cal. Rules of Court, rule 8.278 (a) . )

NICHOLSON, Acting P.J.

We Concur: Butz, J.

Cantil-Sakauye, J.

**C052803      THE PEOPLE v.      (Not For Publication)  
KEVIN MICHAEL DAVIS**

The Yuba County Superior Court is ordered to (1) dismiss the challenged probation revocation/sentencing proceeding; (2) vacate the sentence imposed at the proceeding; and (3) release defendant from custody on that sentence. Given the assumption noted just above, the Yuba County District Attorney will have a period of 35 months from the issuance of the remittitur in this case to refile the probation revocation (sentencing) proceeding, if the district attorney chooses to do so. If the district attorney does so, it may seek a revocation order and sentence (which accounts for all time served).

BUTZ, J.

We Concur: Blease, Acting P.J.

Hull, J.

**C058368      THE PEOPLE v.      (Not For Publication)  
TERRY JAY MEYERS**

The judgment is affirmed.

SCOTLAND, P.J.

We Concur: Nicholson, J.

Cantil-Sakauye, J.

**C058783      THE PEOPLE v. JOHN BEEBE      (Not For Publication)**

The judgment is reversed as to counts five, seven, and nine and the cause remanded to the trial court to permit the People to decide whether to retry defendant on these counts. If the People fail to bring defendant to a new trial on the reversed counts within 60 days... In all other respects, the judgment is affirmed.

BUTZ, J.

We Concur: Blease, Acting P.J.

Robie, J.

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**Court Minutes**

**August 10, 2009, Continued**

- C059210      THE PEOPLE v.      (Not For Publication)**  
**WALTER SHANE LANGSTON**  
The judgment is reversed and the cause remanded to the trial court.  
Upon motion by defendant made within 30 days of the date the remittitur is filed  
in the trial court, the court shall vacate defendant's no contest plea. If defendant  
does not move to withdraw his plea, the trial court shall reinstate the judgment.  
RAYE, Acting P.J.  
We Concur: Butz, J.  
Cantil-Sakauye, J.
- C059383      THE PEOPLE v.      (Not For Publication)**  
**STEPHEN MICHAEL SHADE**  
The judgment is affirmed.  
NICHOLSON, J.  
We Concur: Sims, Acting P.J.  
Cantil-Sakauye, J.
- C060038      THE PEOPLE v.      (Not For Publication)**  
**BRANDON BOWDEN, SR.**  
The order directing defendant to pay \$420 in attorney fees pursuant to  
section 987.8 is stricken. As modified, the judgment is affirmed. The trial court is  
directed to amend the abstract of judgment accordingly and to forward a certified  
copy of the amended abstract to the Department of Corrections and  
Rehabilitation.  
SCOTLAND, P.J.  
I concur: Hull, J.  
I concur but write to note that the trial court was not correct in assuming the legal  
findings for reimbursement of public defender fees were the same as  
requirements for restitution fines.  
Robie, J.
- C060414      THE PEOPLE v.      (Not For Publication)**  
**MATTHEW GORDON CASAMAJOR**  
The judgment is affirmed.  
HULL, J.  
We Concur: Scotland, P.J.  
Robie, J.

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**Court Minutes**

**August 10, 2009, Continued**

<b>C061022 C061109</b>	<b>THE PEOPLE v. BRIAN CHARLES SULLIVAN</b> The judgment is affirmed. SCOTLAND, P.J. We Concur: Hull, J. Robie, J.	<b>(Not For Publication)</b>
<b>C058960</b>	<b>HUMBLE v. VETERINARY MEDICAL BOARD OF CALIFORNIA</b> The judgment is affirmed. BUTZ, J. We Concur: Hull, Acting P.J. Cantil-Sakauye, J.	<b>(Not For Publication)</b>
<b>C058561</b>	<b>In re K.M. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. S.D.</b> The orders of the juvenile court are affirmed. NICHOLSON, J. We Concur: Sims, Acting P.J. Cantil-Sakauye, J.	<b>(Not For Publication)</b>
<b>C059709</b>	<b>In re N.M. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. D.M.</b> The juvenile court's order is affirmed. SIMS, Acting P.J. We Concur: Nicholson, J. Cantil-Sakauye, J.	<b>(Not For Publication)</b>

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**Court Minutes**

**August 10, 2009, Continued**

**C061038      In re L.C. et al.; SACRAMENTO COUNTY      (Not For Publication)  
DEPARTMENT OF HEALTH AND HUMAN  
SERVICES v. L.C.**

The matter is reversed and remanded to the juvenile court with directions that the court: (1) vacate its order terminating mother's parental rights, and (2) order the Department to interview the maternal grandmother as to the minors' Indian ancestry and to provide new ICWA notice that includes her correct name and address. If, following such notice, any of the tribes determine that the minors are Indian children as defined by ICWA, the court shall conduct a new review hearing in conformity with all the provisions of ICWA. If, however, the tribes determine that the minors are not Indian children, or if no response is received indicating the minors are Indian children, the court shall reinstate the vacated order.

HULL, J.

We Concur:    Scotland, P.J.  
Robie, J.

**August 11, 2009**

**C057652      THE PEOPLE v.      (Certified For Partial Publication)  
CEDRIC HART et al.**

The finding that Rayford premeditated and deliberated with respect to the attempted murder is reversed. ... In all other respects, the judgment as to each defendant is affirmed.

NICHOLSON, Acting P.J.

We Concur:    Hull, J.  
Butz, J.

**C058621      THE PEOPLE v.      (Not For Publication)  
ANTHONY L. OCAMPO**

The judgment is affirmed. The trial court shall prepare an amended abstract of judgment reflecting that, on count one, defendant was sentenced to an indeterminate term in state prison of 25 years to life.

HULL, J.

We Concur:    Sims, Acting P.J.  
Cantil-Sakauye, J.

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**Court Minutes**

**August 11, 2009, Continued**

- C059266      THE PEOPLE v.      (Not For Publication)**  
**NICHOLAS RAY BAKER**  
Defendant's conviction is affirmed. We reverse the judgment and remand the matter...  
ROBIE, J.  
We Concur: Scotland, P.J.  
Hull, J.
- C060137      THE PEOPLE v. THEON KAMBON      (Not For Publication)**  
The appeal is dismissed.  
ROBIE, J.  
We Concur: Scotland, P.J.  
Nicholson, J.
- C056911      HINTON v. BECK; GRANGE INSURANCE      (Not For Publication)**  
**GROUP et al.**  
The judgment (order) is affirmed. Costs are awarded to plaintiff.  
BLEASE, Acting P.J.  
We Concur: Nicholson, J.  
Raye, J.

**August 12, 2009**

- C058044      THE PEOPLE v.      (Not For Publication)**  
**DANIEL RAY MAIER**  
The judgment is reversed.  
SIMS, J.  
We Concur: Scotland, P.J.  
Raye, J.
- C060420      THE PEOPLE v.      (Not For Publication)**  
**FRED ANDREW SPRAGUE**  
The trial court is directed to modify the judgment and the abstract to strike the AIDS testing requirement... As modified, the judgment is affirmed. The trial court shall deliver a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.  
NICHOLSON, J.  
We Concur: Blease, Acting P.J.  
Cantil-Sakauye, J.

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**August 12, 2009, Continued**

- C060604      THE PEOPLE v.      (Not For Publication)**  
**ANIVAL JAIME TRUJILLO**  
The judgment is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur: Blease, Acting P.J.  
Robie, J.
- C057895      L.A. v. THE ROMAN CATHOLIC      (Not For Publication)**  
**BISHOP OF STOCKTON et al.**  
The judgment is affirmed. Defendants shall recover costs on appeal.  
(Cal. Rules of Court, rule 8.278 (a) (1), (2) . )  
BUTZ, J.  
We Concur: Scotland, P.J.  
Blease, J.
- C057260      D.D. v. THE ROMAN CATHOLIC BISHOP      (Not For Publication)**  
**OF STOCKTON et al.**  
The judgment is affirmed.  
BUTZ, J.  
We Concur: Scotland, P.J.  
Blease, J.
- C059410      In re N.T. et al.; SISKIYOU COUNTY      (Not For Publication)**  
**HUMAN SERVICES DEPARTMENT v.**  
**M.T.**
- C059576      In re B.T. et al.; SISKIYOU COUNTY**  
**HUMAN SERVICES DEPARTMENT v.**  
**M.T.**  
The order restricting appellant's conversations with other litigants outside  
the courtroom is reversed. The orders for medication for the minor and  
continuing the review hearing are affirmed.  
SIMS, Acting P.J.  
We Concur: Nicholson, J.  
Cantil-Sakauye, J.
- C060842      In re DEONTE F.; THE PEOPLE v.      (Not For Publication)**  
**DEONTE F.**  
The case is remanded to the juvenile court for a declaration whether the  
sexual battery by restraint it found was committed by appellant is a misdemeanor  
or a felony. The judgment is otherwise affirmed.  
HULL, J.  
We Concur: Scotland, P.J.  
Robie, J.

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The judgment is affirmed. Achene shall recover her costs on appeal.  
(Cal. Rules of Court, rule 8.278 (a) (1) . )  
BLEASE, Acting P.J.  
We Concur: Robie, J.  
Cantil-Sakauye, J.

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**Court Minutes**

**August 13, 2009, Continued**

- C058170      SINGH et al. v. TOYOTA MOTOR CORPORATION et al.      (Not For Publication)**  
The judgment is affirmed. Defendants are awarded their costs on appeal.  
(Cal. Rules of Court, rule 8.278 (a) (1), (2) . )  
BUTZ, J.  
We Concur:    Sims, Acting P.J.  
                 Raye, J.
- C059624      In re C.R.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. T.H.      (Not For Publication)**  
The appeal is dismissed.  
RAYE, J.  
We Concur:    Scotland, P.J.  
                 Butz, J.
- C061354      In re J.Z.; THE PEOPLE v. J.Z.      (Not For Publication)**  
The judgment is affirmed.  
BLEASE, Acting P.J.  
We Concur:    Robie, J.  
                 Cantil-Sakauye, J.
- C050718      RAMIREZ v. DEPARTMENT OF HEALTH SERVICES et al.      (Not For Publication)**  
The judgment sustaining DHS's demurrer without leave to amend is reversed. Plaintiff shall recover costs on appeal.  
(Cal. Rules of Court, rule 8.278 (a) (1) . )  
RAYE, J.  
We Concur:    Nicholson, Acting P.J.  
                 Butz, J.

**August 14, 2009**

- C056989      THE PEOPLE v. FREDERICK HARRIS      (Not For Publication)**  
The judgment is affirmed.  
NICHOLSON, Acting P.J.  
We Concur:    Raye, J.  
                 Robie, J.



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**Court Minutes**

**August 14, 2009, Continued**

- C057695      THE PEOPLE v.      (Not For Publication)**  
**TROY MITCHELL NAYLOR**  
The judgment is affirmed.  
SIMS, Acting P.J.  
We Concur: Nicholson, J.  
Cantil-Sakauye, J.
- C058848      THE PEOPLE v.      (Not For Publication)**  
**DANE AARON GASPER**  
The judgment is affirmed.  
NICHOLSON, Acting P.J.  
We Concur: Hull, J.  
Robie, J.
- C059498      THE PEOPLE v.      (Not For Publication)**  
**DAVID JOSEPH ROSA**  
General probation condition number 5 is modified to read: "Do not leave the State of California without the advance approval of your probation officer."  
As so modified, the judgment is affirmed.  
RAYE, J.  
We Concur: Sims, Acting P.J.  
Cantil-Sakauye, J.
- C060540      THE PEOPLE v.      (Not For Publication)**  
**ORBEN OLIVER MANIORD**  
The judgment is affirmed.  
ROBIE, J.  
We Concur: Scotland, P.J.  
Nicholson, J.
- C058908      BOREL et al. v. ST. CLAIR      (Not For Publication)**  
The judgment is affirmed. The motion for sanctions is denied. The Borels shall recover their costs on appeal.  
(Cal. Rules of Court, rule 8.278 (a) (2) . )  
ROBIE, J.  
We Concur: Scotland, P.J.  
Nicholson, J.